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Docket Management Facility
USCG 2001-8773 - 35
US Department of Transportation
Room PL-401
400 Seventh Street SW
Washington, DC 20590-0001

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Via Fax: 202-493-2251

Submitter: Jonathan Glantz
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Central Region
Boyd Gaming Corporation
1477 Casino Strip Resort
Robinsonville, MS 38664

Docket Number: USCG-2001-8773

I would like to submit the following comments on the Notice of proposed rule making in docket USCG-2001-8773:

The requirement for chemical testing following Serious Marine Incident (SMI) is a critical element in determining all the factors that cause or contribute to a casualty. I fully support the chemical testing regulations and I believe they have made a significant impact on improving safety in the merchant marine.

Section 4.06-15 – Availability of chemical testing devices

Comment: Provide alternative compliance for having testing devices aboard continuously moored vessels.

The proposed requirement for the marine employer to have sufficient devices capable of determining the presence of alcohol in an individual's system on board the vessel for use to meet the alcohol testing requirements found in 46 CFR 4.06-3 does not provide for an alternative for vessels that operate continuously moored as stated on the vessels' Certificate of Inspection. Vessels operating dockside or continuously moored can have alcohol-testing devices brought aboard with trained and experienced operators to test personnel. Another alternative for vessels operating dockside or continuously moored is

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to take personnel to a shore side facility to have alcohol testing completed within the two-hour time requirement.

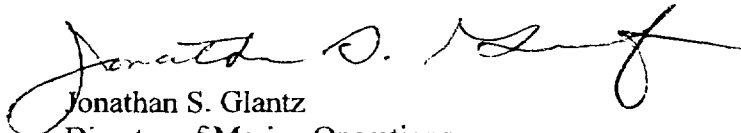
Proposed regulation 46 CFR 4.06-15 (b) allows the marine employer not to have the specimen collection and shipping kits aboard if the required tests can be completed within 32 hours from the time of the occurrence of the SMI. A similar provision should be allowed for 46 CFR 4.06-15 (a) for vessels that operate dockside or continuously moored. I propose that 46 CFR 4.06-15(a) should be modified to read:

The alcohol testing devices required by this section need not be carried aboard each vessel if the required alcohol tests can be completed within 2 hours from the time of the occurrence of the SMI and the vessel's route is restricted on it's Certificate of Inspection to operate dockside or continuously moored.

The use of alcohol testing equipment by trained and experienced personnel who use it on a regular basis provides a higher standard than a trained person who seldom conducts alcohol testing. Using a third party to conduct the alcohol testing reduces employee's resistance to having the tests conducted. If the goal of the proposed regulations is to obtain timely, accurate and admissible alcohol test results, then providing an alternative to having the employer provide alcohol-testing devices aboard when shore side testing facilities are always available is justification to modify the regulation.

Thank you for the opportunity to comment on the proposed rules in docket USCG-2001-8773.

Sincerely,


Jonathan S. Glantz
Director of Marine Operations
Central Region
Boyd Gaming Corporation

cc: Keith Smith

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